KILGORE BROADCAST MAINTENANCE

P. O. Box 777 Grove Hill, AL 36451 (205) 275-8839

RECEIVED

FE3 2 1993

February 1, 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FEDERAL COMMUNICATIONS COMMISSION 1919 M Street, N.W. Room 222

Washington, D.C. 20554

RE: Petition for Rule Making MM Docket No. 92-284 RM-8119

Gentlemen:

Enclosed is an original and four copies of the Petition for Rule Making that Curry Communications, Inc. is filing as comments. Included as the last page therein is the required affidavit.

Please have your office forward this to:

Chief, Allocations Branch Policy and Rules Division Mass Media Bureau

Additionally, there is a copy marked "Date Stamped". It is attached to a self addressed, pre-stamped envelope. Please have your office date stamp this copy and return to the petitioner for his files.

Thank you for your assistance.

Sincerely;

KILGORE BROADCAST MAINTENANCE

Alan F. Kilgore, Owner, Consultant

No. of Copies rec'd_ List A B O'D)F

RECEIVED

FE3 2 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of
) MM Docket No. 92-284

Petition for Rule Making
Amendment of Section 73.202(b), RM No. 8119

FM Broadcast Stations, (Repton, Alabama)

To: Chief, Allocations Branch Policy and Rules Division Mass Media Bureau

PETITION FOR RULE MAKING

Curry Communications, Inc., an Alabama corporation organized for the purpose of operating an FM Broadcast station, by its Consultant, petitions the Commission for a Rule Making that would allow it to make application for a Construction permit to build new facilities for Repton, Alabama.

BACKGROUND

Repton, Alabama is not served as City of License by any Broadcast media, making this a request for first service in the community. Petitioner is principally owned by local minorities (Black) desiring to provide Black oriented local programming not currently available for the community and surrounding area.

THE REQUEST

Now Curry Communications, Inc. petitions the Commission to add channel 266A at Repton, Alabama to the Table of FM Allotments within Part 73.202(b).

EXPRESSION OF INTEREST

Petitioner hereby certifies that it desires to make application for a Construction Permit as quickly as allowed. This will become a possibility if the Commission acts favorably on this instant request for the allocation of channel 266A at Repton, Alabama. If the request is granted, Petitioner will move expeditiously to file a form 301 for a new station and furthermore will immediately construct, daily operate and locally program such a Class A facility upon the Commission's grant of a Construction Permit.

CONCLUSION

Engineering prepared for the petitioner determined that the requested facility would not cause interference to any stations, allocations, permits or any requested facilities known at the time of this filing. This request is not mutually exclusive with any requests, that we are aware of, before the Commission.

It is therefore concluded that since the requested allocation

would cause no interference and would provide first service to a new community with programming not currently available, it would be in the public's interest for the Commission to amend 73.202(b) Table of FM Allocations to include Repton, Alabama channel 266A and create a window for applications per the Commission's rules and policies.

Respectfully submitted, CURRY COMMUNICATIONS, INC.

BY:

Albert Curry

Its President

Date: 10-27-99

Albert Curry, President Curry Communications, Inc. 107 Pickens Street Monroeville, AL 36460 (205)575-7138 ENGINEERING STATEMENT

In Support of a

<u>Petition for Rule Making</u>

Curry Communications, Inc.

Repton, Alabama

Adding Channel 266A

This engineering statement and the supporting exhibits are submitted in verification of a proposed rule making request. The request is being made on behalf of Curry Communications, Inc.

An FM spacing constraints study (Exhibit A), specifying 3 kw ERP at 100 meters EAH (Exhibit B) for the petitioned station shows <u>no short spacings</u>.

Concerning site selection if the Commission acts favorably on this petition, there are close spacings to Channel 264C Pensacola, Florida (WJLQ), Channel 265C2 Selma, Alabama (WALX) and Channel 267C Meridian, Mississippi (WJDQ) per 73.207. A Contour Protection Study (Exhibit C) indicates there was only one close spacing (Channel 264C at Pensacola, FL) per 73.215 contour protection rules.

CHANNEL 264C AT PENSACOLA, FL

Channel 264C at Pensacola, Florida (FCC File BMLH-880322KA) is currently licensed and the allocation reference point is the same as that of that operating facility. It is close spaced by 0.3 km per 73.207 (Exhibit A).

Concerning site restrictions if the Commission allocates the petitioned channel: using contour protection rule 73.215 improves the close spacing to 3.2 km clearance (Exhibit C) using a non-directional

antenna, 3 kilowatts ERP and 100 meters EAH. This is adequate for a 266A to locate anywhere within the entire community without violating the Commission's spacing constraints.

CHANNEL 265C2 AT SELMA, AL

Channel 265C2 at Selma, Alabama (FCC File BLH-890324KC) is currently licensed. The channel allocation reference point is different than that of the licensed facility. The operating facility is close spaced by 4.8 km per 73.215 (Exhibit A).

Concerning site restrictions if the Commission allocates the petitioned channel: using contour protection rules per 73.215 provides 12.8 km clearance (Exhibit C) using a non-directional antenna, 3 kilowatts ERP and 100 meters EAH. This eliminates the close spacing and is adequate for a 266A to locate anywhere within the entire community without violating the Commission's separation constraints.

CHANNEL 267C AT MERIDIAN, MS

Channel 267C at Meridian, Mississippi is allocated and uses the currently operating 267C1 coordinates for the 267C allocation reference point (FCC File BLH6336). This 267C allocation is close spaced by 5.0 km per 73.215 (Exhibit A).

Concerning site restrictions if the Commission allocates the petitioned channel: using contour protection rules per 73.207 provides 11.3 km clearance (Exhibit C) using a non-directional antenna, 3 kilo-

watts ERP and 100 meters EAH. This eliminates the close spacing and is adequate for a 266A to locate anywhere within the community without violating Commission's separation constraints.

Additionally, the construction permit for Channel 267C before the Commission by WJDQ (FCC File BPH-890609JF) indicates different coordinates than that of the Channel 267C allocation reference points. The site chosen by WJLQ is clear by 37.2 kilometers (Exhibit A).

CONCLUSION

Curry Communications, Inc., in the instant petition, requests that the Commission add channel 266A at Repton, Alabama to the FM Table of Allocations.

The instant petition is not mutually exclusive with anything before the Commission to our Knowledge. Furthermore, it does not cause a short spacing environment. A 3 kW ERP 100 meter EAH Class A facillity can be located anywhere within the community without causing a short spaced situation.

CERTIFICATION

I, Alan F. Kilgore, hereby certify the following: that I am an independent broadcast consultant. I hold an FCC Lifetime General Operator's License PG-6-18888. I am familiar with the Commission's rules and regulations. All information in this engineering statement was prepared by me or under my direct supervision.

The statement was based on the data available from the Commission

and believed to be accurate on this date. However, such data is subject to change without notice and, therefore, I, Alan F. Kilgore, will accept no responsibility as to the complete accuracy of this statement, although I believe it to be true and correct.

THIS 28th DAY OF OCTOBER, 1992

KILGORE BROADCAST MAINTENANCE P. O. BOX 777 GROVE HILL, AL 36451 (205)275-8839

CURRY COMMUNICATIONS, INC. EXHIBITS LISTING

EXHIBIT NUMBER	EXHIBIT CONTENTS	NUMBER OF PAGES
EXHIBIT A.	Spacing Constraints per 73.207	2
EXHIBIT B.	Reference Location and town Corporate Limits	1
EXHIBIT C.	Contour Protection Constraints per 73.215	1
EXHIBIT D.	Predicted Protected Contour	2
EXHIBIT E.	Predicted 70 dBu Contour	2

CURRY COMMUNICATIONS, INC. EXHIBIT A.

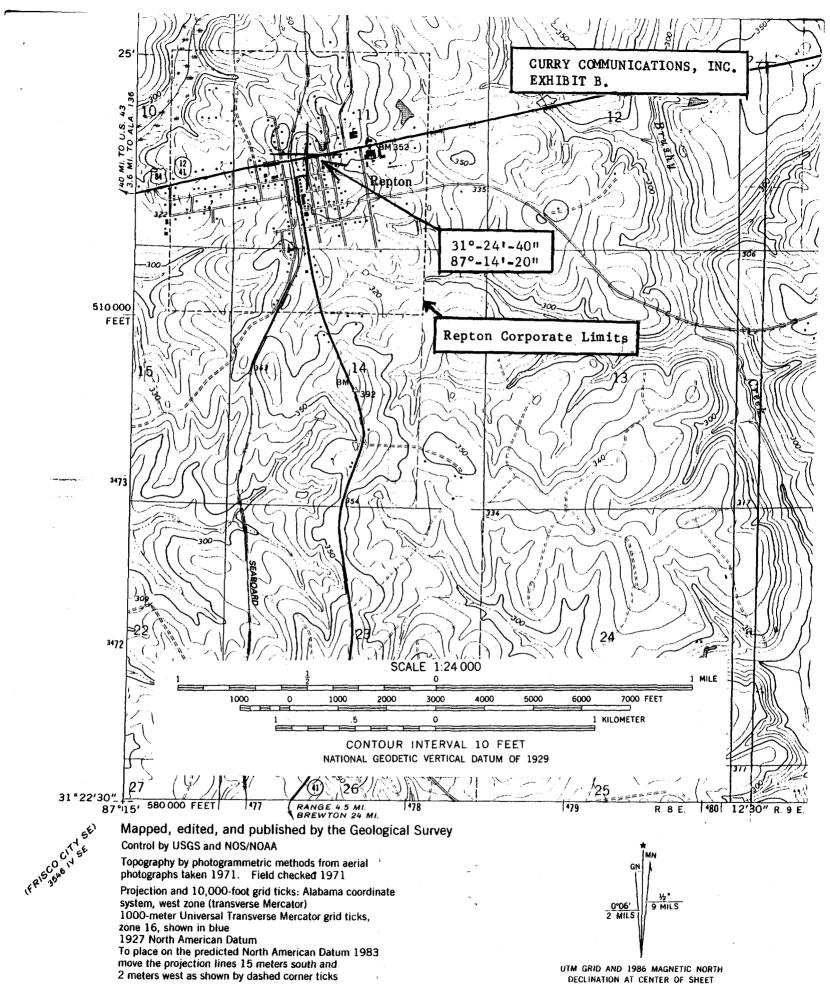
	KILGORE BROADCAST MA	INTENANCE	Page No. 1
FILE NAME: Rep266A.D04 FCC DATABASE: 920930 DATE: 10-22-1992	Proposed New Alloc Repton, AL CH 266A Cleared by	ation 3. LAT v 50 kM LONG	000kW A 100mEAH ITUDE: 31-24-40 ITUDE: 87-14-20
CALL CITY OF LICENSE AUTH FCC FILE UPI OWNER	CHAN ERP-KW DATED FREQ EAH-m AMSL-m	LONGITUDE FROM	DIST-km CLEARED REQ-km BY km
WJLQ Pensacola, FL LIC BMLH-880322KA 09/ Norman S. Drubner	264C 100.000 /16/88 100.7 474	30-37-35 204.1 87-38-50 24.1	95.3 CLOSE 95.0 0.3
Pensacola, FL USED 12/ Coordinates updated from	264C 0.000 '01/90 100.7 0	30-37-35 204.1 87-38-50 24.1	95.3 CLOSE 95.0 0.3
Coordinates updated from	LIC record BMLH8803	22KA	
Selma, AL USED 02/	265C2 0.000 21/89 100.9 0	32-23-23 10.5 87-01-36 190.5 87-437	110.3 CLOSE 106.0 4.3
Site Restricted-Effective			
WALX Selma, AL LIC BLH-890324KC 02/ Alexander Broadcasting Co	09/90 100.9 150	32-21-40 18.1 86-52-28 198.1	110.8 CLOSE 106.0 4.8
Elba, AL USED 12/	266A 0.000 01/90 101.1 0	31-24-41 90.0 85-57-32 270.0	
Coordinates updated from	LIC record BLH8610	10KA	
WZTZ Elba, AL LIC BLH-861010KA 12/6 Elba Radio Company	266A 0.640 02/87 101.1 208 305	31-24-41 90.0 85-57-32 270.0	
WJDQ Meridian, MS LIC BLH-6336 09/2 Broadcasters & Publishers *To Channel 267C			
Meridian, MS USED 12/0		32-18-43 306.0 88-41-33 126.0	
Coordinates updated from L	-		
WJDQ Meridian, MS APP BMLH-900116KD 09/2 Broadcasters & Publishers,	27/91 101.3 177	32-18-43 306.0 88-41-33 126.0	

*To Channel 267C

CURRY COMMUNICATIONS, INC. EXHIBIT A.

KILGORE BRO	ADCAST MAINTENANCE	Page No. 2
FILE NAME: Rep266A.D04 Proposed I FCC DATABASE: 920930 Re DATE: 10-22-1992 CH 266A	New Allocation pton, AL Cleared by 50 kM	3.000kW A 100mEAH LATITUDE: 31-24-40 LONGITUDE: 87-14-20
CALL CITY OF LICENSE CHAN AUTH FCC FILE UPDATED FREQ OWNER	EAH-m LONGITUDE	
WJDQ Meridian, MS 267C CP BPH-890609JF 02/10/92 101.3 Broadcasters & Publishers, Inc. From Channel 267C1	319 88-53-20	309.5 202.2 CLEAR 129.5 165.0 37.2
WTKXFM Pensacola, FL 268C1 LIC BLH-4019 12/22/89 101.5 Holt Communications Corporation	122 87-05-08	170.5 88.4 CLEAR 350.5 75.0 13.4
WTKXFM Pensacola, FL 268C1 CP MOD BMPH-880623IC 02/05/92 101.5 Holt Communications Corporation	193 87-05-08	
Pensacola, FL 268C1 USED 12/01/90 101.5 Coordinates updated from LIC record	0	170.5 88.4 CLEAR 350.5 75.0 13.4

**** END OF STUDY ****

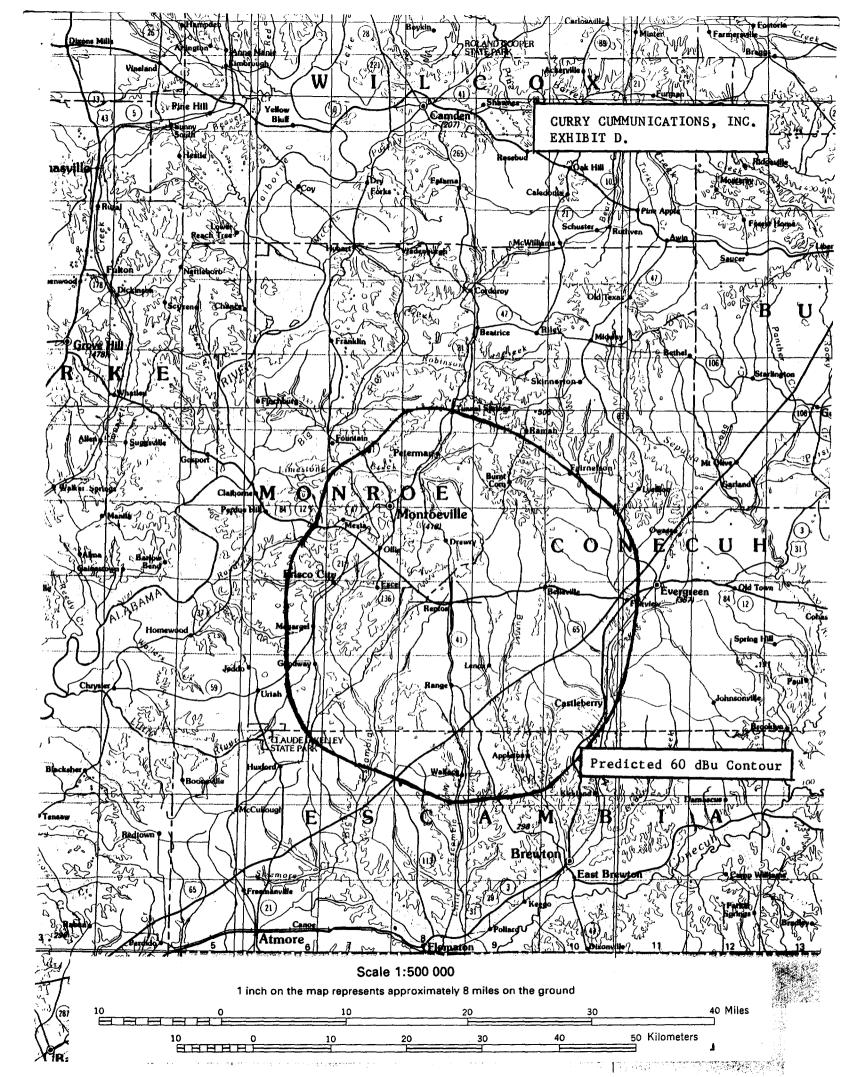


2 meters west as shown by dashed corner ticks

Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unchecked Revisions shown in purple and woodland compiled from aerial photographs taken 1984 and other sources. This information not field checked. Map edited 1986

CURRY COMMUNICATIONS, INC. EXHIBIT C.

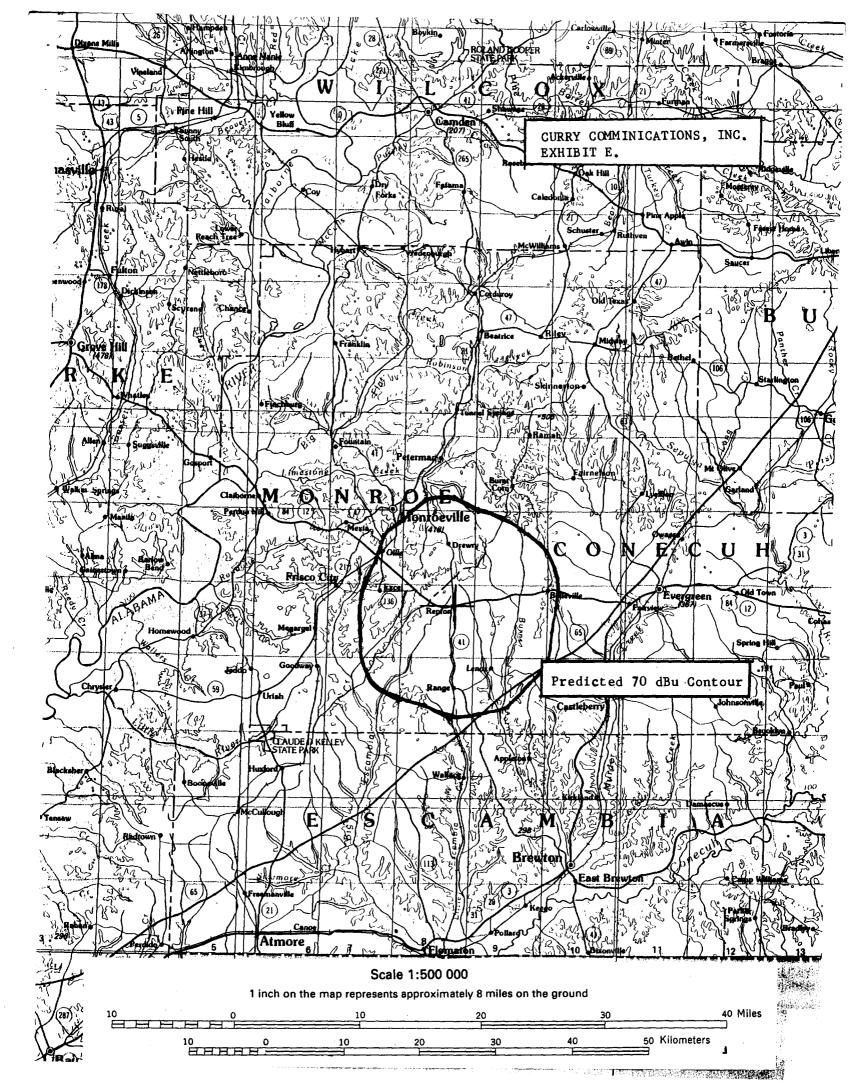
		,	
KI	LGORE BROADCAST MAINTENANCE	Page No. 1 197mAMSL	
FILE NAME: Rep266A.DOC FCC DATABASE: 920930 DATE: 10-22-1992 CI	Contour Protection Repton, AL 1 266A Cleared by 50 kM	3.000kW A 100mEAH LATITUDE: 31-24-40 LONGITUDE: 87-14-20	
AUTH FCC FILE UPDATE OWNER	CHAN ERP-KW LATITUDE ED FREQ EAH-m LONGITUDE AMSL-m DOCKET#	FROM REQ-km BY km	
WJLQ Pensacola, FL LIC BMLH-880322KA 09/16/ Norman S. Drubner	264C 100.000 30-37-35 788 100.7 474 87-38-50 508	204.1 95.3 CLOSE 24.1 92.1 3.2	
	43.8 KM DBAS 80dBu = TTL 7.6 KM SRCH 80dBu = TTL		
Pensacola, FL USED 12/01/	264C 0.000 30-37-35 90 100.7 0 87-38-50	204.1 95.3 CLOSE 24.1 92.1 3.2	
Coordinates updated from LIC	record BMLH880322KA		
	43.8 KM DBAS 80dBu = TTL 7.6 KM SRCH 80dBu = TTL		
Selma, AL USED 02/21/	265C2 0.000 32-23-23 89 100.9 0 87-01-36 0 87-437	10.5 110.3 CLEAR 190.5 98.4 11.9	
Site Restricted-Effective 8-	15-88-Rsvd for WALX Per D87-	437	
	74.6 KM DBAS 54dBu = TTL 34.6 KM SRCH 54dBu = TTL		
WALX Selma, AL LIC BLH-890324KC 02/09/9 Alexander Broadcasting Compa	265C2 50.000 32-21-40 90 100.9 150 86-52-28 i		
	75.8 KM DBAS 54dBu = TTL 33.0 KM SRCH 54dBu = TTL		
Meridian, MS USED 12/01/5 Coordinates updated from LIC	0	806.0 170.0 CLEAR 26.0 157.8 12.2	
	36.3 KM DBAS 54dBu = TTL 1 31.1 KM SRCH 54dBu = TTL 1		



CURRY COMMUNICATIONS, INC. EXHIBIT D.

PREDICTED PROTECTED (40 DBU) CONTOUR

AZ IMUTH DEGREES	AVG TERRAIN AMSL	EFFECTIVE ANTENNA HEIGHT	CONTOUR	DISTANCE TO CONTOUR
0	94.2 m.	102.7 m.	60 dBu F(50,50)	24.9 km. (15.5 mi).
15	106.8 m.	90.1 m.	60 dBu F(50,50)	23.4 km. (14.5 mi).
30	109.3 m.	87.6 m.	60 dBu F(50,50)	23.0 km. (14.3 mi).
45	98.6 m.	98.3 m.	60 dBu F(50,50)	24.4 km. (15.2 mi).
60	94.9 m.	102.0 m.	60 dBu F(50,50)	24.9 km. (15.4 mi).
75	90.7 m.	106.2 m.	60 dBu F(50,50)	25.4 km. (15.8 mi).
90	96.3 m.	100.6 m.	60 dBu F(50,50)	24.7 km. (15.3 mi).
105	97.5 m.	99.4 m.	60 dBu F(50,50)	24.5 km. (15.2 mi).
120	88.7 m.	108.2 m.	60 dBu F(50,50)	25.6 km. (15.9 mi).
135	85.5 m.	111.4 m.	60 dBu F(50,50)	26.1 km. (16.2 mi).
150	76.1 m.	120.8 m.	60 dBu F(50,50)	27.2 km. (16.9 mi).
165	83.3 m.	113.6 m.	60 dBu F(50,50)	26.3 km. (16.4 mi).
180	83.9 m.	113.0 m.	60 dBu F(50,50)	26.3 km. (16.3 mi).
195	100.3 m.	96.6 m.	60 dBu F(50,50)	24.2 km. (15.0 mi).
210	96.4 m.	100.5 m.	60 dBu F(50,50)	24.7 km. (15.3 mi).
225	87.8 m.	109.1 m.	60 dBu F(50,50)	25.8 km. (16.0 mi).
240	99.9 m.	97.0 m.	60 dBu F(50,50)	24.2 km. (15.1 mi).
255	116.0 m.	80.9 m.	60 dBu F(50,5 0)	22.2 km. (13.8 mi).
270	119.1 m.	77.8 m.	60 dBu F(50,50)	21.8 km. (13.5 mi).
285	120.6 m.	76.3 m.	60 dBu F(50,50)	21.6 km. (13.4 mi).
300	128.1 m.	68.8 m.	60 dBu F(50,50)	20.6 km. (12.8 mi).
315	109.9 m.	87.0 m.	60 dBu F(50,50)	23.0 km. (14.3 mi).
330	112.1 m.	84.8 m.	60 dBu F(50,50)	22.7 km. (14.1 mi).
345	87.9 m.	109.0 m.	60 dBu F(50,50)	25.8 km. (16.0 mi).



CURRY COMMUNICATIONS, INC. EXHIBIT E.

PREDICTED CITYGRADE (70 DBU) CONTOUR

AZ IMUTH DEGREES	AVG TERRAIN AMSL	EFFECTIVE ANTENNA HEIGHT	CONTOUR	DISTANCE TO CONTOUR
0	94.2 m.	102.7 m.	70 dBu F(50,50)	14.0 km. (8.7 mi).
15	106.8 m.	90.1 m.	70 dBu F(50,50)	13.2 km. (8.2 mi).
30	109.3 m.	87.6 m.	70 dBu F(50,50)	13.0 km. (8.1 mi).
45	98.6 m.	98.3 m.	70 dBu F(50,50)	13.7 km. (8.5 mi).
60	94.9 m.	102.0 m.	- 70 dBu F(50,50)	14.0 km. (8.7 mi).
75	90.7 m.	106.2 m.	70 dBu F(50,50)	14.2 km. (8.8 mi).
90	96.3 m.	100.6 m.	70 dBu F(50,50)	13.9 km. (8.6 mi).
105	97.5 m.	99.4 m.	70 dBu F(50,50)	13.8 km. (8.6 mi).
120	88.7 m.	108.2 m.	70 dBu F(50,50)	14.4 km. (8.9 mi).
135	85.5 m.	111.4 m	70 dBu F(50,50)	14.6 km. (9.1 mi).
150	76.1 m.	120.8 m.	70 dBu F(50,50)	15.2 km. (9.4 mi).
165	83.3 m.	113.6 m.	70 dBu F(50,50)	14.7 km. (9.1 mi).
180	83.9 m.	113.0 m.	70 dBu F(50,50)	14.7 km. (9.1 mi).
195	100.3 m.	96.6 m.	70 dBu F(50,50)	13.6 km. (8.4 mi).
210	96.4 m.	100.5 m.	70 dBu F(50,50)	13.9 km. (8.6 mi).
225	87.8 m.	109.1 m.	70 dBu F(50,50)	14.4 km. (9.0 mi).
240	99.9 m.	97.0 m.	70 dBu F(50,50)	13.6 km. (8.5 mi).
255	116.0 m.	80.9 m.	70 dBu F(50,50)	12.6 km. (7.8 mi).
270	119.1 m.	77.8 m.	70 dBu F(50,50)	12.4 km. (7.7 mi).
285	120.6 m.	76.3 m.	70 dBu F(50,50)	12.3 km. (7.6 mi).
300	128.1 m.	68.8 m.	70 dBu F(50,50)	11.8 km. (7.3 mi).
315	109.9 m.	87.0 m.	70 dBu F(50,50)	13.0 km. (8.1 mi).
330	112.1 m.	84.8 m.	70 dBu F(50,50)	12.8 km. (8.0 mi).
345	87.9 m.	109.0 m.	70 dBu F(50,50)	14.4 km. (9.0 mi).

AFFIDAVIT

STATE OF ALABAMA

CLARKE COUNTY

I, Albert Curry, do hereby certify that I am the President of Curry Communications, Inc., an Alabama corporation, and that the information contained within the attached Petition For Rule Making before the Federal Communications Commission, known as MM Docket 92-284, RM-8119, is true and correct to the best of my knowledge and belief. I furthermore certify that I will move expeditiously to make proper applications to the FCC and, when authorized, move expeditiously to construct and daily operate and locally program such facilities as the Commission should authorize.

Albert Curry, President Curry Communications, Inc.

107 Pickens Street Monroeville, AL 36460 Telephone: 205-575-7138

Sworn to me this 1st day of February, 1993.

Cone

NOTARY PUBLIC

My Commission Expires July 17, 1994